

Appl. No. 10/699,905
Amdt. Dated May 6, 2005
Reply to Office action of February 8, 2005

Amendments to the Drawings:

The attached sheet containing Fig. 1 replaces the original sheet containing Fig. 1, only.

Reference numeral 3 was added to FIG. 1.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The drawing was objected to because the numeral "3" referred to in the specification was not shown. In order to obviate the objection, FIG. 1 has been amended herein to include the numeral "3".

Claims 1-5 and 19-31 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for lack of antecedent basis in claim 1 for "the axis of the drive means," and in claim 30 for "the axis of rotation of the roller means" and "the axis of rotation of the cutter means." Claims 1, 3 and 30 have been amended herein to provide proper antecedent basis for these claim limitations, and thus the rejection has been obviated by the amendment.

Applicant appreciates the allowability of claims 3-5 and 19-28. Claim 3 has been amended to place it in independent form, incorporating the limitations of claims 1 and 2. As mentioned above, claim 3 has also been amended to overcome the rejection under 35 U.S.C. 112, second paragraph.

Claims 1, 2, 30 and 31 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,086,596 to Allegretti *et al.* (hereinafter "Allegretti"). Claim 1 has been amended to more clearly distinguish from the Allegretti reference and thus, for the following reasons, the rejection has been rendered moot.

Regarding amended claim 1, Allegretti does not teach a trimmer having "roller means being located *entirely outside the guard* on the drive means side thereof," as required. The lawn trimmer and edger taught by Allegretti includes roller means comprising two wheels (11, 12). The right hand wheel (12) is located at least partly within an enclosure including a skid plate (17) and adjoining walls (73, 74). This enclosure (17, 73, 74) was cited by the Examiner as being the guard of claim 1. Therefore, since one of the wheels is located at least partly *inside* a guard, Allegretti does not teach a roller means being located *entirely outside* a guard, as in claim 1. Since every limitation of claim 1 is not taught by the

reference as required, claim 1 and its dependent claims 2, 30 and 31 are not anticipated by Allegretti.

Claim 29 was rejected under 35 U.S.C. 103(a) over Allegretti in view of U.S. Patent Application Publication No. 2001/0034940 to Marshall *et al.* (hereinafter "Marshall"). For the following reasons, the rejection has been rendered moot by the amendment of claim 1.

Regarding claim 29, which depends from amended claim 1, neither Allegretti nor Marshall teaches or suggests having "roller means being located *entirely outside the guard* on the drive means side thereof," as required.

For the reasons explained above with regard to claim 1, there is no teaching in Allegretti of a roller means that is entirely outside a guard. Further, there is nothing in Allegretti that suggests modifying its teachings to eliminate the right hand wheel (12) or to move outside of the guard. Moreover, the teachings of Allegretti require that the right hand wheel (12) be inside of the guard, since a star blade guide (14) is attached to one side of the wheel for rotation by the wheel. The star blade guide (14) is design to cooperate with the blade (15) that is located adjacent thereto. Thus, the elimination of the right hand wheel (12), or the repositioning of it outside the guard, would prevent the star blade guide (14) from functioning as designed. Therefore, Allegretti effectively teaches away from such a modification. Further, the vegetation trimming and edging device taught by Marshall does not include any roller means, and therefore cannot be said to provide a suggestion or motivation to modify the teachings of Allegretti to include a roller means that it entirely outside a guard, as required. Therefore, since every limitation of the amended claim 1, from which claim 29 depends, is not taught or suggested by the combination of Allegretti and Marshall, claim 29 is not obvious in view of the cited references.

New claims 32 and 33 have been added by amendment herein. Claims 32 and 33 are patentable over the prior art of record for the reasons explained above with regard to claim 1. Further, claim 32 requires that the roller means is located between the drive means and the cutter means, which clearly excludes the left hand wheel (11) of Allegretti. Claim 33 requires that the roller means is located adjacent to the guard, which also clearly excludes the left hand wheel (11) of Allegretti.

In light of the foregoing, it is respectfully submitted that the present application is in a condition

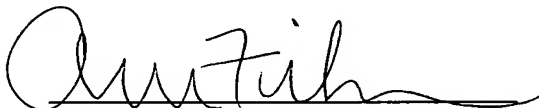
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for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 36245.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Aaron A. Fishman, Reg. No. 44682

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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Annotated Sheet
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Sheet 1 of 1

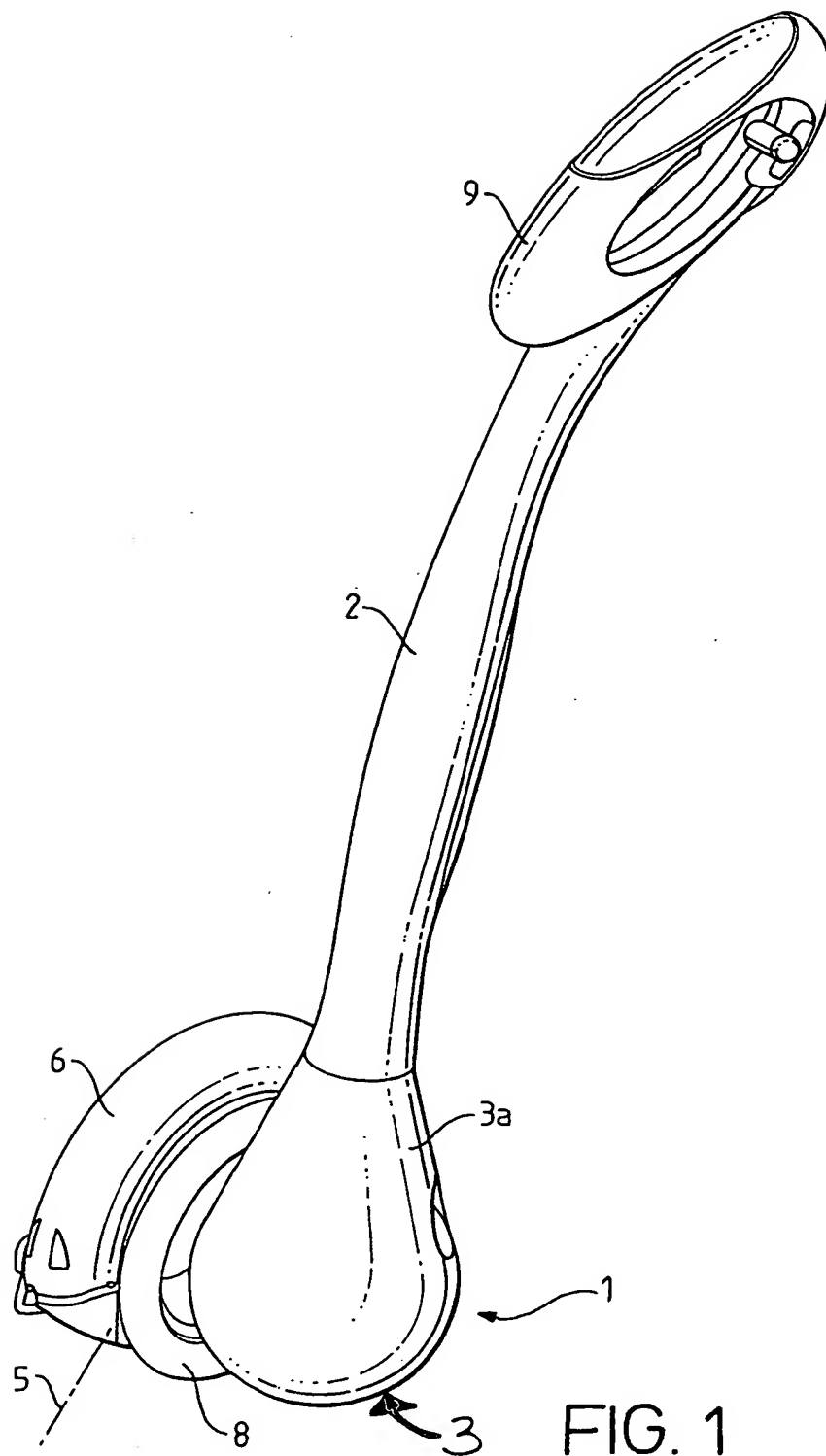


FIG. 1